



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties  
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>



Gray Davis  
Governor

James A. Noyes, Director  
Los Angeles County Department of Public Works  
P.O. Box 1460  
Alhambra, CA 91802-1460

### CONDITIONAL CERTIFICATION FOR PROPOSED BURRO CANYON DEBRIS BASIN C STORM SEASON CLEANOUT PROJECT (Corps' Project No. 2003-00323- AOA), SAN GABRIEL RESERVOIR, ANGELES NATIONAL FOREST, LOS ANGELES COUNTY (File No. 02-199)

Dear Mr. Noyes:

Regional Board staff has reviewed your request on behalf of the Los Angeles County Department of Public Works (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 13, 2003.

I hereby certify that any discharge from the Burro Canyon Debris Basin C Storm Season Cleanout Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

[Original Signed By:]

[May 6, 2003]

\_\_\_\_\_  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_  
Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

## **DISTRIBUTION LIST**

Reza Izadi  
Los Angeles County Department of Public Works  
P.O. Box 1460  
Alhambra, CA 91802-1460

Oscar Balaguer  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Betty Courtney  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Aaron Allen  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Steven John  
U.S. Environmental Protection Agency  
c/o U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Tim Vendlinski  
Supervisor, Wetlands Regulatory Office (WTR-8)  
US EPA, Region 9  
75 Hawthorne  
San Francisco, CA 94105

Ken Berg  
U.S. Fish and Wildlife Service  
2730 Loker Avenue West  
Carlsbad, CA 92008

## ATTACHMENT A

### Project Information File No. 02-199

1. Applicant: James A. Noyes  
Los Angeles County Department of Public Works  
900 S. Fremont Avenue  
Alhambra, CA 91803  
Phone: (626) 458-6100      Fax: (626) 979-5436
2. Applicant's Agent: Reza Izadi  
Los Angeles County Department of Public Works  
900 S. Fremont Avenue  
Alhambra, CA 91803  
Phone: (626) 458-6100      Fax: (626) 979-5436
3. Project Name: Burro Canyon Debris Basin C Storm Season Cleanout
4. Project Location: Angeles National Forest, Los Angeles County  
  
Longitude: W 117° 50' 4.44"  
Latitude: N 34° 15' 6.90"
5. Type of Project: Reservoir Sediment Removal
6. Project Description: *Purpose:*  
Burro Canyon Debris Basin C is located within the Angeles National Forest at the Burro Canyon Sediment Placement Site. The Williams Fire burned over 90% of the debris basin's watershed. It is expected that, on a freshly burned watershed, a five to ten year storm, which has a one in five to a one in ten chance, respectively, of occurring in any given year, will deposit as much as 49,000 cubic yards (CY) of sediment. Proper functioning of the flood control system in accordance with its original design requires the removal of eroded mud, rock, and debris to protect the public and prevent damage and loss of life. As with Public Works' over 100 other debris basins, sediment needs to be removed from this facility when accumulation occupies 5 percent or more of the basin's capacity.

## ATTACHMENT A

### Project Information File No. 02-199

#### *Description:*

It is anticipated that the debris basin may need to be cleaned out as-needed during the storm season. Fire has denuded the debris basin, Sediment Placement Site, and tributary hillsides of vegetation. The U.S. Forest Service's Biological Assessment for the Williams Fire states that no sensitive species are located within the project area.

Public Works will monitor sediment levels within the facility. When a significant amount of sediment has accumulated (approximately 5 percent of the capacity), the basin will be cleaned out. A survey of the original design of the basin will be utilized as a template for removal of accumulated sediment.

The accumulated sediment will be removed with bulldozers, front-end loaders, and scrapers. The material will then be deposited outside of the blue line stream footprint within the top of fill areas in the Burro Canyon Sediment Placement Site. The work proposed will not enlarge or redesign the debris basin.

- |  |  |
|--|--|
| 7. Federal Agency/Permit:                                  | U.S. Army Corps of Engineers<br>NWP No. 31 (Permit No. 2003-00323-AOA)   |
| 8. Other Required Regulatory Approvals:                    | California Department of Fish and Game<br>Streambed Alteration Agreement   |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15269 (Emergency Exemption). |
| 10. Receiving Water:                                       | San Gabriel Reservoir, an ephemeral drainage tributary to the San Gabriel River (Hydrologic Unit No. 405.43)               |
| 11. Designated Beneficial Uses:                            | MUN, IND, PROC, AGR, GWR, POW, REC-1, REC-2, WARM, COLD, WILD  |

## ATTACHMENT A

### Project Information File No. 02-199

- |  |   |
|--|---|
| 12. Impacted Waters of the United States:                            | Non-wetland waters (unvegetated debris basin): 1.0 temporary acres  |
| 13. Dredge Volume:   | None  |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has proposed to perform routine maintenance, as necessary, over the next five years. Due to the recent fires, the watershed will take time to recover as the hillside vegetation grows and erosion begins to subside.   |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>▪ Angeles County Department of Public Works will employ BMP's to ensure that no degradation of water quality occurs beyond the proposed project area as a result of excavation and disposal of sediment from the reservoir;</li><li>▪ The County will immediately cleanup any spills that do occur, and immediately notify appropriate agencies;</li><li>▪ The County will maintain records of the amount of sediment removed;</li><li>▪ Works sites will be clearly flagged or staked to avoid potential impacts to adjacent natural habitats or sensitive areas;</li><li>▪ As required by the California Department of Fish &amp; Game, a biologist shall survey the excavation area and 100 yards downstream prior to commencement of work;</li><li>▪ Staging/Storage areas for equipment and materials will be located outside of all waters; and</li><li>▪ All inflows of surface water shall be redirected whenever possible away from areas undergoing excavation.</li></ul> |

## **ATTACHMENT A**

### **Project Information File No. 02-199**

16. Proposed  
Compensatory  
Mitigation:

The Applicant will be obtaining 401 Water Quality Certifications for five reservoir excavation projects. San Dimas Reservoir, San Gabriel Reservoir, Puddingstone Diversion Dam, Big Dalton Reservoir and Burro Canyon Debris Basin will all require sediment excavation.

The Tujunga Mitigation Bank will be utilized to provide mitigation for the projects in which there are impacts to vegetation or within riparian areas. Since the excavation activities will not be impacting any vegetated areas, the Regional Board will require a mitigation ratio of 0.3:1. This corresponds to a total of 0.30 acres of compensatory mitigation in order to offset any temporary impacts associated with this project.

## ATTACHMENT B

### Conditions of Certification File No. 02-199

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

## ATTACHMENT B

### Conditions of Certification File No. 02-199

4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.



## ATTACHMENT B

### Conditions of Certification File No. 02-199

8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary impacts to **1.0 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum 0.3:1 area replacement ratio (0.3 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.3 acres of riparian habitat within waters of the United States. The mitigation site shall be located within the Watershed to the extent feasible unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
9. The Applicant shall coordinate with the U.S. Forest Service and other appropriate agencies in order to address the issues of erosion and sedimentation within the watershed and also identify opportunities for restoration activities.
10. Restoration shall include the revegetation/reseeding of stripped or exposed work areas (including but not limited to the earthen slopes of the reservoirs if activities occur above the “normal” elevation level, if additional access roads or ramps are created, activities beyond the normal sediment removal areas, etc.) with vegetation native to the area.
11. The work area shall be flagged/marked to identify its limits within the stream and reservoir. Vegetation shall not be removed or intentionally damaged beyond these limits.
12. No vegetation with a diameter at breast height (DBH) in excess of (3) inches shall be removed or damaged without prior consultation and approval of a California Department of Fish and Game representative. If native trees with a three-inch DBH need to be removed, a tree inventory by species and DBH shall be submitted prior to activities. These trees shall be replaced in like kind, at a 1:1 replacement to impact ratio.
13. Vehicles shall not be driven or equipment operated in water covered portions of a stream or lake, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in this Certification and as necessary to complete authorized work.

## ATTACHMENT B

### Conditions of Certification File No. 02-199

14. Prior to any subsequent maintenance activities within the subject basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the basin's existing condition and capacity; (c) the area of proposed temporary impact within waters of the state; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
15. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a period of **five (5) years** after planting.
16. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-199**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
17. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
18. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
19. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

## **ATTACHMENT B**

### **Conditions of Certification File No. 02-199**

- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
20. This certification shall expire **five (5) years** from the date of signature. Should the Applicant request a renewal of this certification, the request shall be submitted prior to 180 days of the expiration date. Renewals may be subject to additional filing fees and will require Regional Board approval.